

Rene Cheatham
115-05 178th Place
Jamaica, NY 11434

Attn: Martha's Vineyard Commission
Re: Lot 106

1. As the Cheatham/Hill abutters stated in prior meetings, the IEH Aidylberg 3 design still does not take the small-town community character into account. The large building facing Wing Road is over-bearing, and still looks like a store, and it is too close to the road. It does not fit the natural and green surroundings of this quaint Oak Bluffs area and Wing Road.

2. There was an illegal fence that was installed on my property. I did not authorize this and it does not comply with the agreement that we made with IEH and MVC and recorded by ZBA in their Notice of Decision, on December 9 2003.

The fence which IEH just installed 18 years later, in Oct 2021, encroaches on my property. I need to seek injunctive relief requiring the removal of the fence since the agreement was to install it on IEH property, Map 17, Lot 105, not my Map 17, Lot 106-2.

I am not sure if this installation was done in spite, because I was not called or notified that my bushes and trees would be destroyed, or even that they would finally install a fence. If this was not done maliciously, then I expect the IEH organization to comply with my request and install a fence *4-5 minimum feet away from my map17, Lot 106 property line, with a 20 to 25 ft buffer facing South and West on Map 17, Lot 105 property*, after the fence. The buffer should be on the IEH property, to keep the land between properties in "natural state," as per our agreement.

The reason that we asked for Evergreens facing my lot, but in front of their fence on their side was to mask any odor from the septic system, noise or wandering onto our property which is currently happening today. This is definitely impactful and causing me stress trying to prove that IEH is encroaching on Lot 106.

The Split rail barbed wired fence and evergreens site plan setback should be 4-5 ft from Map 17 Lot 106 property lot lines per the agreement. Large buffer area of trees on Lot 105. This buffer should not include Abutters Map 17/Lot106 trees as a buffer for Lot 105.

We talked directly to IEH Management, Greg Monka in August/September 2021 and explained to him that the boundaries, that he showed Jill and Mark Cheatham were wrong and are off. Then he sent Jill a picture of the fence he installed after we overheard them discussing a fence in a meeting and Jill told him that it was on Lot 106 property, and it was not aligned with our original landmark markings. It was on Lot 106 property line and installed in the wrong place. They sent a text showing that they installed a very crooked fence on Lot 106 property, which was wrong. We did not hear anything once we told them the fence was wrong per the 2003 agreement.

It is my belief that this fence was put on our property and it should be up to IEH to prove that the fence is right and, on their property, (3-4 feet from my property).

A surveyor needs to certify that the fence is not on my property. The surveyor should also take in account my previous survey. I would like the worksheet that IEH used as a guide to install the current fence. There should not be any overlaps according to my surveys.

I would like IEH to remedy this situation immediately and remove the newly installed fence. I will be requesting the same buffer and fence when the new project is designed. I would agree to wait for the fence and Evergreens to be installed in the right locations along my whole property line, once the new project landscaping is installed. I expect the same respect and fairness that they gave the east side abutter with a very nice landscape and fence.

Please review the plot plan drawings of the two early deeds for Lot 105 that Jill submitted to MVC because it shows that the deed does not match the plans that IEH is using, and even without the fence, they are encroaching on my property in their plans.

We need a certified survey done with the proper dimensions and deducting Aidylberg road, instead of adding it to their dimensions and taking property from Lot 106.

3. The IEH is not a “Flexible Development” per the MV Oak Bluffs planning board’s April 2021 response. Before the illegal demolition.

4. FYI, please see map 17, Lot 105, 106 and 32 Tradewinds Rd. The Assessor’s map’s boundary lines are all off and this error was acknowledged by the Oak Bluffs Assessor. The Assessor’s maps are showing wrong property lines and buffers. These GIS maps are used required by DHCD for subsidized housing. It is required that the GIS maps are accurate for funding and they currently not accurate and are off by 20-25 feet.

5. Lot 106 Hedges, that were at the beginning of our property on Wing Road and near the Wing Road electrical pole, were destroyed by IEH and they need to be replaced.

Thank you,
Rene Cheatham
Abutter 106-2 and part owner of Lot 106-1.

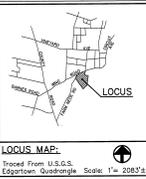
44 Wing Rd - This photo is excluding this much of this Lots land which starts at the 38 Wing Rd aka 36 Wing Rd Electrical Pole.



44 Wing Rd - Wing Rd Frontage starts at 38 Wing Rd aka 36 Wing Rd Electrical Pole for length of 116.49ft and upto the end of these hedges before this driveway entrance

329

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- LEGEND:**
- CONC Concrete Board
 - CB/DH Concrete Board/DH Hole
 - OH Drill Hole
 - E.S.A. Edge of Footprint
 - E.O.S. Edge of Road
 - (FND.) FUND
 - F Found
 - FP Iron Pipe/Post
 - H/F Hole or Formerly
 - SB Stone Board
 - SB/DH Stone Board/DH Hole

ZONING REVIEW:
ZONED: DISTRICT R-2 - "RESIDENTIAL"

Item	Required
Minimum Lot Area	20,000 Sq. Ft.
Minimum Lot Frontage	115 Ft.
Minimum Front Yard	25 Ft.
Minimum Side Yard	25 Ft.
Minimum Rear Yard	20 Ft.
Maximum Height	32 Ft.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED:

DATE: Sept 17 1995

[Signature]

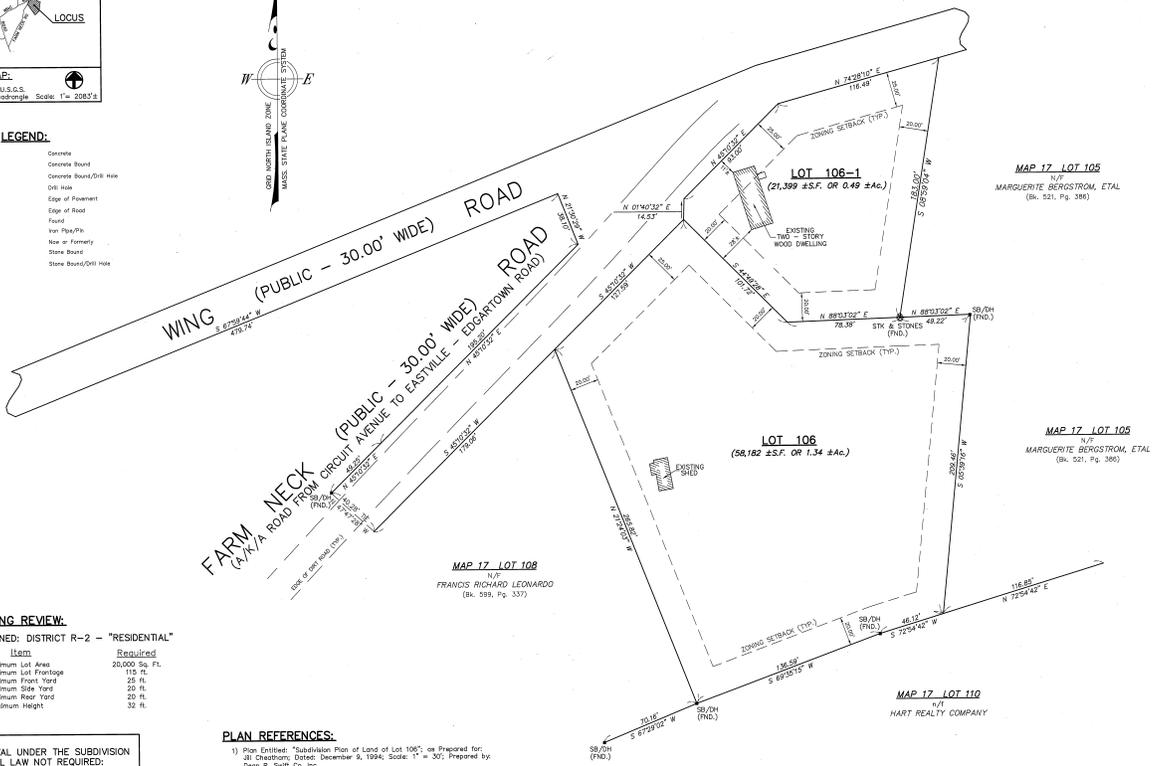
OAK BLUFFS PLANNING BOARD

- PLAN REFERENCES:**
- Plan Entitled: "Subdivision Plan of Land of Lot 105"; as Prepared for: JI Chestnut; Dated: December 4, 1994; Scale: 1" = 30'; Prepared by: Dean B. Swift, Inc.
 - Plan Entitled: "Revised Layout of a Portion of a Public Way Leading From Eastville to Edgartown, also known as Farm Neck Road"; Scale: 1" = 40'; Dated: March 25, 1994; Prepared By: Schiefel, Babbin, & Hoehn, Inc.
 - Plan of Land in Oak Bluffs, Mass.; Prepared For: Maxwell Jones, Jr.; Myrta A. Chestnut; Beatrice E. Hagan; Francis R. Berner; John A. Bernard; & The Town of Oak Bluffs; Scale: 1" = 40'; Dated: March 25, 1994; Prepared By: Schiefel, Babbin, & Hoehn, Inc.
 - Plan of Land in Oak Bluffs, Mass.; Prepared For: Myrta A. Chestnut; Scale: 1" = 30'; Dated: December 10, 1993; Prepared By: Schiefel, Babbin, & Hoehn, Inc.
 - Plan of Land in Oak Bluffs, Mass.; As Prepared For: Mrs. Eric Bergstrom; Scale: 1" = 50'; Dated: May 24, 1976; Prepared By: Schiefel, Babbin, & Hoehn, Inc.

THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

[Signature]
Professional Land Surveyor Date: 9-6-95

- GENERAL NOTES:**
- Local Owner: Myrta Chestnut
 - Deed Reference: Bk. 628, Pg. 550
 - Locus is Shown on Lot 105, Map 17 of the Town of Oak Bluffs Assessor's Map.
 - Total Lot Acreage: 82,721 S.F. OR 1.90 A.C.
 - Dukes County Registry of Deeds District



10-1-96
RECEIVED-ENTERED
25-00 M 11:52 AM
COUNTY OF DUKES COUNTY
REGISTRY OF DEEDS
DIANNE E. POWERS
Haignazian
For Registry Use Only

Revisions:	Rev.	Date	Description:

Project Title:
SUBDIVISION PLAN OF LAND LOT 106
OFF FARM NECK ROAD IN OAK BLUFFS, MA
Prepared For:
MA. JILL CHEATHAM
180-28 78th ROAD
FLUSHING, NY 11356-1915

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.
[Signature] 9-6-95
P.L.S. DATE

B. D. BILLINGHAM & ASSOCIATES, INC.
Engineers, Land Surveyors & Environmental Scientists
P.O. BOX 1207
258 VINEYARD HAVEN ROAD
EDGARTOWN, MA 02539
508-427-7710
FAX 427-7977

Drawing Title:
SUBDIVISION PLAN OF LAND
Scale: 1" = 30'
DATE: SEPTEMBER 6, 1995 Draw No. FORMAL27.DWG
Prepared by: S. SWIFT
Title: SUBD. PLAN
CADD: B.D. BILLINGHAM
Checked: B.D. BILLINGHAM
Drawn: B.D. BILLINGHAM
DATE: 10-1-96 Sheet 1 of 1

329

329

306A

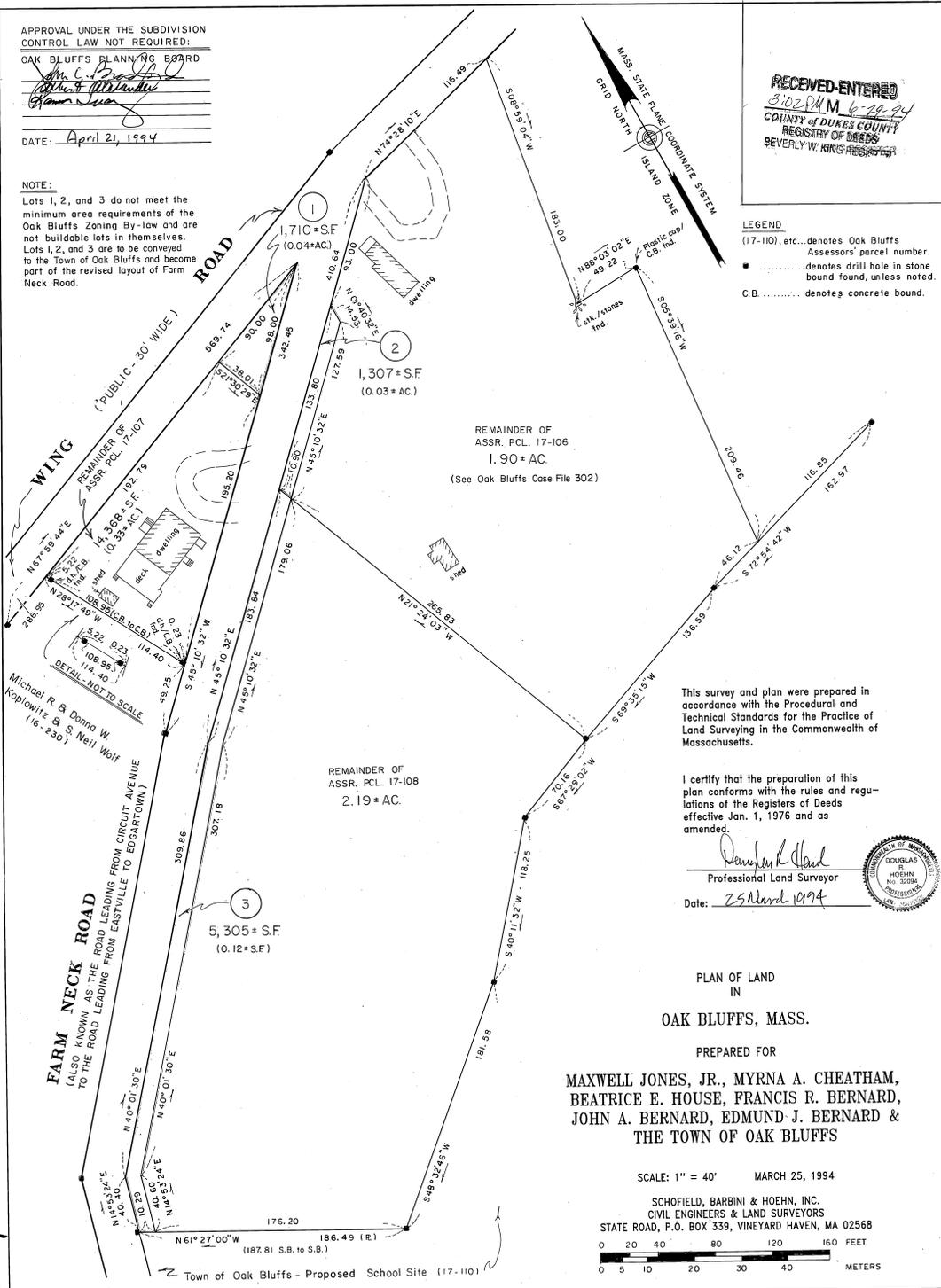
306A

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED:
 OAK BLUFFS PLANNING BOARD
 [Signature]
 [Signature]
 DATE: April 21, 1994

NOTE:
 Lots 1, 2, and 3 do not meet the minimum area requirements of the Oak Bluffs Zoning By-law and are not buildable lots in themselves. Lots 1, 2, and 3 are to be conveyed to the Town of Oak Bluffs and become part of the revised layout of Farm Neck Road.

RECEIVED-ENTERED
 3:02 PM 6-29-94
 COUNTY OF DUKES COUNTY
 REGISTER OF DEEDS
 BEVERLY W. KING REGISTER

MV-5954

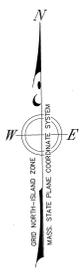
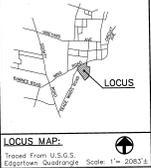


306A

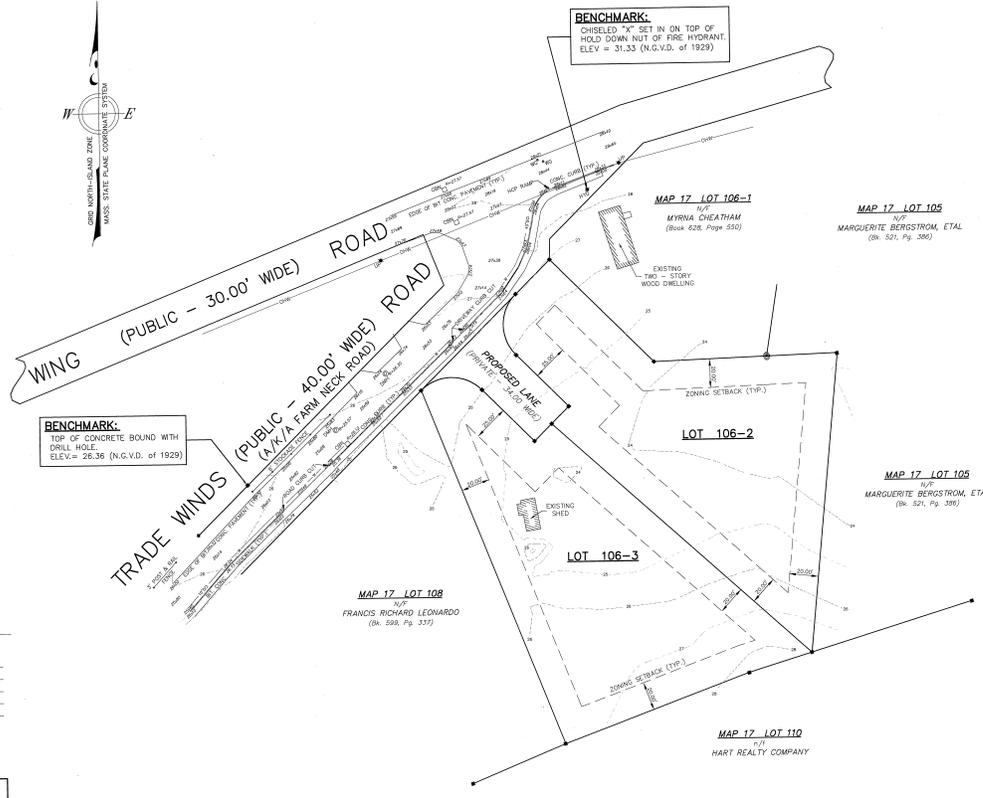
MV-5954

Massachusetts 306A

33E



- LEGEND:**
- BB Blueprints
 - CONC Concrete
 - CBN Coten Basin
 - DB, Pp Drain Box & Pipe
 - DM Drain Manhole
 - E.S.P. Edge of Pavement
 - E.O.R. Edge of Road
 - FASD Flood
 - H.S.D. Headings
 - HYD Fire Hydrant
 - N.F. Not or Formerly
 - N.G.V.D. National Geodetic Vertical Datum
 - SE Slope Elevation
 - SP Soil Grate
 - TYP. Typical
 - UP Utility Pole
 - WD Water Date
 - W.C. Existing Contour
 - W.P. Proposed Contour
 - W.F. Fence
 - W.M. Overhead Wire



Approved, Subject to a Covenant to be Recorded Herewith.

Date Approved: _____ Date Endorsed: _____

Plan C. D. ... 5/6/97
Richard D. ... 5/6/97
John ...

Oak Bluffs Planning Board

APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED:

DATE: MAY 6, 1997

Plan C. D. ...
Richard D. ...
John ...

TOWN OF OAK BLUFFS PLANNING BOARD

I, DIANE R. KENNEY, Clerk of the Town of Oak Bluffs, Hereby Certify that the Notice of Approval of this Plan by the Planning Board has been received and Recorded at this Office and No Notice of Appeal was Received During the Twenty Days Next After Such Receipt and Recording of Said notice.

6 MAY 1997 *Diane R. Kenney*
 Date Town Clerk

THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

B. D. Billingham
 Professional Land Surveyor
 Date: _____

RECEIVED-ENTERED
 11.30 AM 11.8.26.97
 COUNTY OF DUNSTON COUNTY
 REGISTRY OF DEEDS
 DIANNE E. POWERS

For Registry Use Only

Revisions:
 No. Date Description

BERSIN ENGINEERING
 P.O. Box 1031
 East Orleans, MA
 01930
 508-833-1111
 DATE: 5/15/97

Project Title
DEFINITIVE SUBDIVISION
LOT 106
 ON
 TRADE WINDS ROAD
 IN
 OAK BLUFFS, MA

Prepared For:
 Ms. Jill Cheatham
 160-23 78th Road
 Flushing, NY 11356-1915

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

B. D. Billingham
 P.L.S. DATE: 5-14-97

B. D. BILLINGHAM & ASSOCIATES, INC.
 Engineers, Land Surveyors & Environmental Scientists

P.O. Box 1207
 258 Wharfedale Road
 Eggleston, MA 02529
 508-427-7710
 FAX-427-7977

Drawing Title
TOPOGRAPHIC/ GRADING PLAN

Scale: 1" = 30'

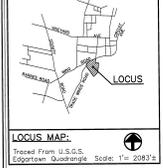
Date: FEBRUARY 14, 1997 Desg. No.:
 Research: 1 FADIRAZA FORM: C278-DWG
 Plan: B.D.B./D.S.E.
 Calc.: B.D. BILLINGHAM
 Check: B.D. BILLINGHAM
 Drawn: D.S. SUMNER
 MSB: NL-1-0073

2
 Sheet 2 of 3

33E

33E

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LEGEND:

BL	Blotmark
CONC	Concrete
CB	Concrete Board
CB/SH	Concrete Board/Sheet
SK/PS	Steel Book & Post
DB	Deed Book to be Set
DIH	Ditch Hole
E.P.F.	Edge of Pavement
E.G.R.	Edge of Road
FR	Fence
IP	Iron Pipe/Post
N/P	Nail or Formerly
STK	Stake
SB	Stone Board
SB/SH	Stone Board/Sheet

Approved, Subject to a Covenant to be Recorded Herewith.

Date Approved: _____ Date Endorsed: _____

Richard D. Conley 5/14/97
John C. [Signature] 5/15/97
 Oak Bluffs Planning Board

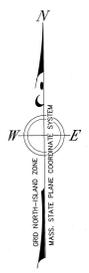
DIANE R. KENNEY, Clerk of the Town of Oak Bluffs, Herby Certify That the Notice of Approval of this Plan by the Planning Board has been received and Recorded at This Office and No Notice of Appeal was Received During the Twenty Days Next After Such Receipt and Recording of Said notice.

6 MAY 1997 *Diiane R. Kenney*
 Date Town Clerk

APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED:

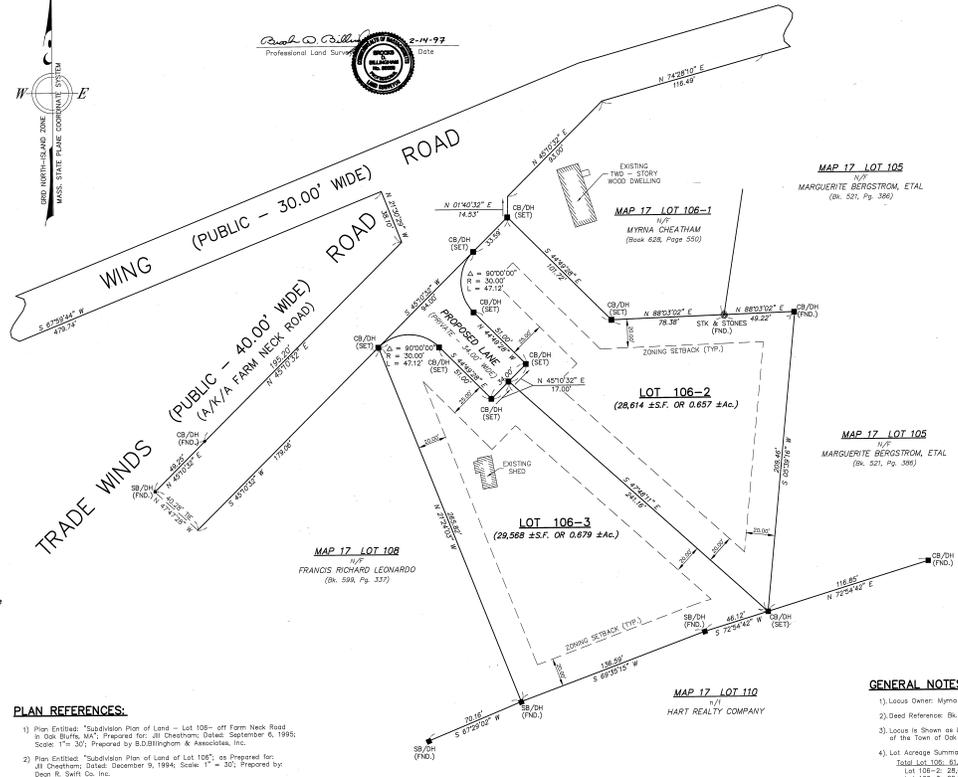
DATE: MAY 6, 1997
Diiane R. Kenney
Richard D. Conley 5/14/97

TOWN OF OAK BLUFFS PLANNING BOARD



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Richard D. Billingham 2-14-97
 Professional Land Surveyor Date



INDEX

SHEET 1.....PLAN OF LAND
 SHEET 2.....TOPOGRAPHIC/GRADING PLAN
 SHEET 3.....ROADWAY PLAN AND PROFILE

RECEIVED-ENTERED
 11:30 AM 8-26-97
 COUNTY OF DUKES COUNTY
 REGISTRY OF DEEDS
 DIANNE E. POWERS

For Registry Use Only

Revisions:
 No. Date Description

BERSIN, ENGINEERING
 2001 Forbes, MA
 P.E. *[Signature]* 5/15/97

Project Title:
DEFINITIVE SUBDIVISION
LOT 106
 ON
 TRADE WINDS ROAD
 IN
 OAK BLUFFS, MA

Prepared For:
 Mr. Bill Cheatham
 160-23 78th Road
 Falmouth, NY 11936-1915

CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

[Signature] 5-15-97
 PLS DATE

B. D. BILLINGHAM & ASSOCIATES, INC.
 Engineers, Land Surveyors & Environmental Scientists

P.O. Box 1207
 258 Westport Haven Road
 Edgartown, MA 02530
 508-627-7710
 FAX-507-7977

Drawing Title:
PLAN OF LAND

Scale: 1" = 30'

DATE: FEBRUARY 15, 1993
 PREPARED BY: B. D. BILLINGHAM
 CHECKED BY: B. D. BILLINGHAM
 DRAWN BY: J. S. SWANER
 ASK. No. 1-2027.0 Sheet 1 of 3

PLAN REFERENCES:

- Plan Entitled: "Subdivision Plan of Land - Lot 106 - off Farm Neck Road in Oak Bluffs, MA", Prepared for: Bill Cheatham, Dated: September 6, 1995; Scale: 1" = 30'; Prepared by: B.D. Billingham & Associates, Inc.
- Plan Entitled: "Subdivision Plan of Land of Lot 106", as Prepared for: Bill Cheatham, Dated: December 9, 1994; Scale: 1" = 30'; Prepared by: Dean R. Smith Co., Inc.
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- Plan of Land in Oak Bluffs, Mass., Prepared For: Myra A. Cheatham; Scale: 1" = 30'; Dated: December 10, 1993; Prepared By: Schofield, Bersin, & Healy, Inc.
- Plan of Land in Oak Bluffs, Mass., as Prepared For: Mrs. Eric Bergstrom; Scale: 1" = 50'; Dated: May 24, 1976; Prepared By: Schofield Brothers, Inc.

ZONING REVIEW:

ZONED: DISTRICT R-2 - "RESIDENTIAL"

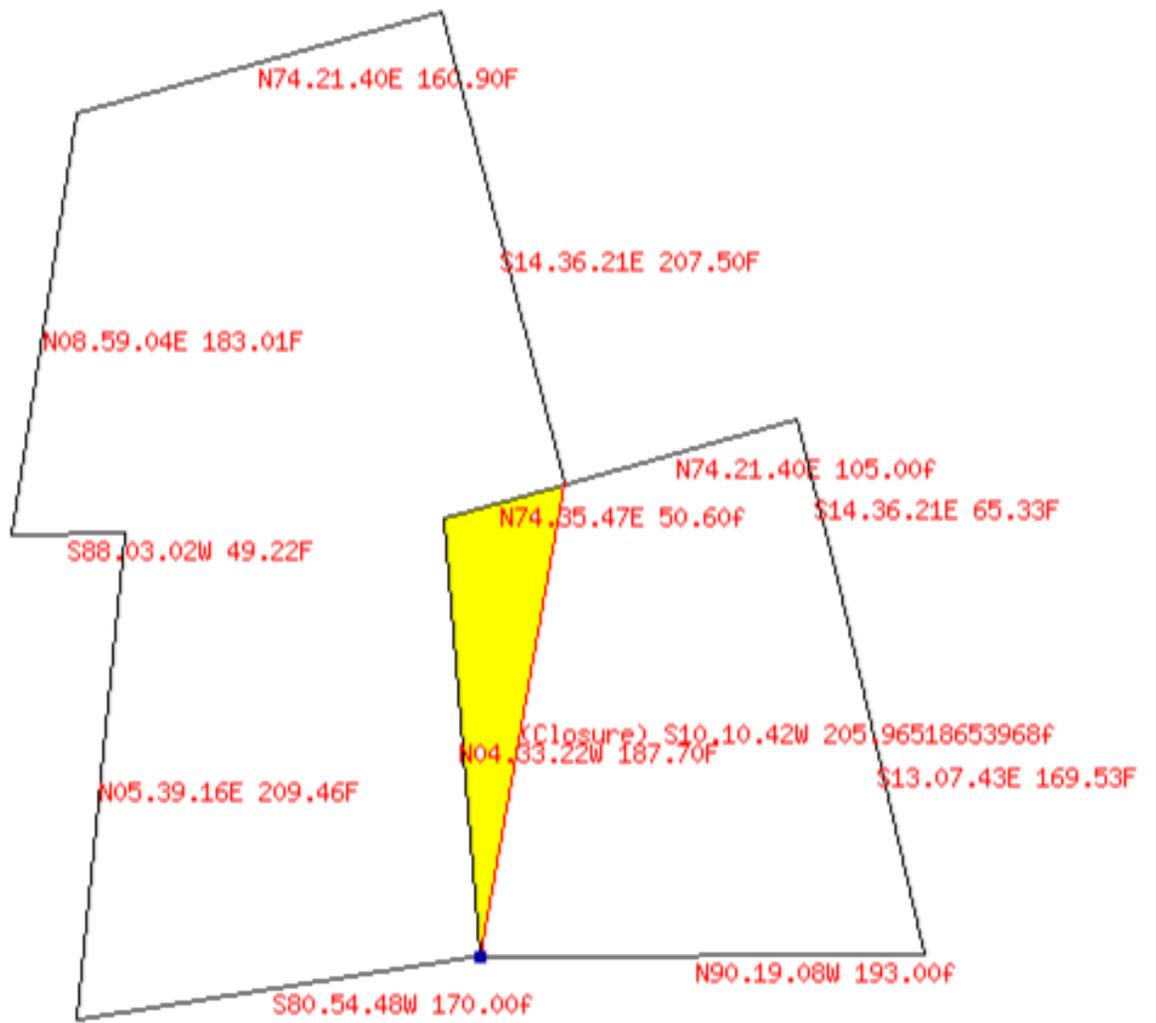
Item	Required
Minimum Lot Area	20,000 Sq. Ft.
Minimum Lot Frontage	115 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	20 ft.
Maximum Height	32 ft.

GENERAL NOTES:

- Lotus Owner: Myra Cheatham
- Deed Reference: Bk. 628, Pg. 550
- Lotus is Shown as Lot 106, Map 17 of the Town of Oak Bluffs Assessor's Map.
- Lot Acreage Summary:
 Total Lot 106: 81,222.52 ± AC
 Lot 106-1: 28,143.51 ± AC
 Lot 106-2: 28,286.51 ± AC
 Proposed Lane: 3,162.5 ± AC
 Proposed Lane: 0.072 AC
- Dukes County Registry of Deeds District
- Lots to be Serviced by Individual On-Site Subsurface Sanitary Disposal Systems.
- All Proposed Utilities Servicing said Lots 106-1 & 106-2 & 106-3 Shall be Underground.
- Existing Site has Scrub Oak and Scrub Pine Vegetation.
- Elevations Based on National Geodetic Vertical Datum of 1929 (N.G.V.D. of 1929)

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160-362

Silvia; thence easterly by said Silvia's land one hundred five feet (105 feet) to a stone bound and to the land of Manuel Cardoso; thence southerly by said Cardoso land two hundred thirty-six feet (236 feet) to a stone bound and land of Manuel de Bettencourt; thence westerly by said de Bettencourt land one hundred ninety-three feet (193 feet) to a stone bound; thence northerly one hundred eighty-seven and seven-tenths feet (187.7 feet) to a stone bound; thence easterly fifty and six-tenths feet (50.6 feet) to the point of beginning. Also a right to pass and repass over a strip of land ten (10) feet in width along the westerly line of said Albert Silvia's land to Wang Rohd, so long as he owns the above described land. wife of said grantor release to said grantee all rights of dower and homestead and other interests therein. Witness my hand and seal this thirteenth day of September 1923.

C. H. Eldridge

Manuel S. Machado Seal

Commonwealth of Massachusetts

Dukes County ss. September 13, 1923. Then personally appeared the above named Manuel S. Machado and acknowledged the foregoing instrument to be his free act and deed, before me,

C. H. Eldridge, Justice of the Peace.

My commission expires July 17, 1923.

Slyartown, Sept. 18, 1923, at 9 o'clock A.M. Received and entered with Dukes County Deeds, Book 160,

Page 561.

Attest:

Philip J. Norton

Register.

Know all men by these presents: That the Martha's Vineyard Co-operative Bank, a

Know all men by these presents

that I, Manuel S. Machado, of Oak Bluffs, in the County of Dukes County and Commonwealth of Massachusetts,

in consideration of one dollar and other good considerations

paid by Joseph S. Machado, of said Oak Bluffs, County and Commonwealth aforesaid,

the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto

the said Joseph S. Machado, a certain piece of land with the buildings thereon, situated in the southerly section of said Oak Bluffs, County and Commonwealth aforesaid, bounded and described as follows: Beginning at a stone bound on the southerly side of Wing Road and at the land of Albert Silvia; thence southerly by said Silvia's land two hundred six feet (206') to a stone bound and forming an angle to the right with said Road of eighty-nine degrees and thirty-five minutes ($89^{\circ} 35''$); and thence westerly fifty and six-tenths feet (50.6') to a stone bound and forming an angle to the right of eighty-nine degrees and fifty-five minutes ($89^{\circ} 55''$); thence southerly one hundred eighty-seven and seven-tenths feet (187.7') to a stone bound and land of Manuel de Bettencourt; thence westerly by said de Bettencourt's land about one hundred seventy feet (170') to a stone bound and land of Manuel Enos; thence northerly by said Enos' land one hundred ninety-four feet (194') to a stone bound; thence westerly still by said Enos' land forty-nine and three-tenths feet (49.3') to a stone bound; thence northerly still by said Enos' land one hundred seventy-eight and four-tenths feet (178.4') to said Wing Road; thence easterly by said Road one hundred sixty and seventy-five-hundredths feet (160.75') to the point of beginning and forming an angle to the right of one hundred fourteen degrees and fifty minutes ($114^{\circ} 50''$); reserving to myself, nevertheless, the right to occupy and use so much of said property as I may desire during my life time, and reserving to my son, Manuel S. Machado, Jr., the right to pass and repass over a strip of land ten feet (10') in width along the easterly side of the described land, so long as he shall own the land, free of any encumbrance, conveyed to him by me this day.



**TOWN OF OAK BLUFFS, MA
PLANNING BOARD**

P.O. Box 1327
Oak Bluffs, MA 02557
Ph. 508-693-3554 X117 Fax 508-693-5375

April 26, 2021

Dorothy Young
Island Elderly Housing, Inc.
60B Village Road
Vineyard Haven, MA 02568

Dear Dorothy,

As a result of further investigation and audit of your special permit application for **Aidylberg III** stamped by the Town Clerk on March 11, 2021 and received by the Planning Board on March 19, 2021, Oak Bluffs Zoning By-law **7.3.3 Applicability** indicates that the minimal acreage requirement has not been achieved which would allow for a valid application under **7.3 Flexible Development**. Therefore, the Aidylberg III application is not valid as submitted under current town of Oak Bluffs recodified zoning bylaws.

Sincerely,

Ewell Hopkins, Chairperson
Oak Bluffs Planning Board

CC: Wendy Brough
Building Department